

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

14-CA-272091

Date Filed

February 2, 2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Joint Employers: McDonald's USA, 110 N. Carpenter St., Chicago, IL 60607 and Essig & Associates, Inc./Essig Management Co., PO Box 550, Liberty, MO 64069		b. Tel. No. (816) 903-5105
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 3015 Van Brunt Blvd MO Kansas City 64128	e. Employer Representative	g. e-Mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3,1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Fred Wickham

Title:

SEIU National Fast Food Workers Union

4a. Address (Street and number, city, state, and ZIP code)850 W. Jackson, Ste 275
IL Chicago 60607**4b. Tel. No.**

(816) 753-8751


4c. Cell No.**4d. Fax No.****4e. e-Mail**

fred@wickham-wood.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Fred Wickham

Title:

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.

(816) 753-8751

Office, if any, Cell No.**Fax No.****e-Mail**

fred@wickham-wood.com

107 W. 9th St., 2nd Floor
Address Kansas City MO 641052/1/2021 16:43:51
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	After (b) (6), (b) (7)(C) engaged in protected Union and concerted activities, the joint employers engaged in the following discriminatory and retaliatory adverse actions including but not limited to: denying (b) (6), (b) (7)(C) shifts, sending (b) (6), (b) (7)(C) home early from a shift resulting in the loss of pay, treating (b) (6), (b) (7)(C) in an overtly hostile and disrespectful manner, terminating (b) (6), (b) (7)(C) strictly enforcing rules that were otherwise enforced in a lax manner, and enforcing rules inconsistently and irrationally against employees who have engaged in Union and protected concerted activities.	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to

discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	After (b) (6), (b) (7)(C) engaged in protected Union and concerted activities, the joint employers engaged in the following discriminatory and retaliatory adverse actions including but not limited to: denying (b) (6), (b) (7)(C) shifts, sending (b) (6), (b) (7)(C) home early from a shift resulting in the loss of pay, treating (b) (6), (b) (7)(C) in an overtly hostile and disrespectful manner, terminating (b) (6), (b) (7)(C) strictly enforcing rules that were otherwise enforced in a lax manner, and enforcing rules inconsistently and irrationally against employees who have engaged in Union and protected concerted activities.	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) 2021

8(a)(3)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities or membership.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010



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February 2, 2021

Fred Wickham
SEIU National Fast Food Workers Union
850 W. Jackson, Ste 275
Chicago, IL 60607

Re: Joint Employers: McDonald's USA, Webb
Van Brunt, Inc. a McDonald's Franchisee
and Essig & Associates, Inc./Essig
Management Co.
Case 14-CA-272091

Dear Mr. Wickham:

The charge that you filed in this case on February 02, 2021 has been docketed as case number 14-CA-272091. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney WILLIAM LEMASTER (William.LeMaster@nlrb.gov), whose telephone number is (913)275-6524. If this Board agent is not available, you may contact Supervisory Attorney SUSAN A. WADE-WILHOIT whose telephone number is (913)275-6527.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present

your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

Joint Employers: McDonald's USA, and
Essig & Associates, Inc./Essig Management
Co.
Case 14-CA-272091

- 3 -

February 2, 2021

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal flourish extending to the right.

WILLIAM B. COWEN
Acting Regional Director

WBC:rm1

Enclosure

cc: Fred Wickham
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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February 2, 2021

McDonald's USA
110 N. Carpenter Street
Chicago, IL 60607

Essig & Associates, Inc./ Essig Management Co.
PO Box 550
Liberty, MO 64049

Webb Van Brunt, Inc. a McDonald's Franchisee
3051 Van Brunt Blvd
Kansas City, MO 64128-1877

Re: Joint Employers: McDonald's USA, Webb
Van Brunt, Inc. a McDonald's Franchisee
and Essig & Associates, Inc./Essig
Management Co.
Case 14-CA-272091

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



WILLIAM B. COWEN
Acting Regional Director

WBC:rml

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 14-CA-272091
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JOINT EMPLOYERS: MCDONALD'S USA, AND
ESSIG & ASSOCIATES, INC./ESSIG
MANAGEMENT CO.**

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS
UNION**

Charging Party

Case 14-CA-272091

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 2, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's USA
110 N. Carpenter Street
Chicago, IL 60607

Essig & Associates, Inc./ Essig Management
Co.
PO Box 550
Liberty, MO 64049

Webb Van Brunt, Inc. a McDonald's
Franchisee, and McDonald's USA, LLC, Joint
Employers
3051 Van Brunt Blvd
Kansas City, MO 64128-1877

February 2, 2021

Date

Regina Lewis, Designated Agent of NLRB

Name

/s/ Regina Lewis

Signature

From: [LeMaster, William](#)
To: [Fred Wickham](#)
Subject: 14-CA-272091 McDonald's, Webb Van Brunt and Essig & Associates
Date: Tuesday, February 2, 2021 4:49:00 PM
Attachments: [image001.png](#)

Fred –

I am assigned to the above-referenced case. I tried reaching your office at 3:45 p.m. but it went to voicemail and the voicemail was full. Please call when can to discuss.

Thanks,

Bill



William F. LeMaster
Field Attorney
National Labor Relations Board
Subregion 17
8600 Farley Street
Suite 100
Overland Park, Kansas 66212
D: (913)275-6524
F: (913)967-3010

Effective immediately, the NLRB is switching to mandatory electronic filing of all case documents. See [GC 20-01](#). Below is information to assist you with this requirement.

Written instructions for using the Agency's E-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's website. See <https://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

From: [Brian Noland](#)
To: [LeMaster, William](#)
Cc: [Fred Wickham](#); [Daniel Tucker](#); daniel.tucker@thefightfor15.org; (b) (6), (b) (7)(C)
Subject: McDonald's Van Brunt, Witness Affidavit (b) (6), (b) (7)(C) CST
Date: Saturday, February 6, 2021 3:28:12 PM

Bill, Fred, and Daniel:

Thanks for your time and flexibility yesterday to help get (b) (6), (b) (7)(C) affidavit scheduled for (b) (6), (b) (7)(C) CST.

Fred and Daniel will call Bill. Daniel will have (b) (6), (b) (7)(C) with him when he calls in.

Just in case, here are everyone's phone numbers:

Bill LeMaster: (913)275-6524
Daniel Tucker: (314)598-5450
Fred Wickham: (816)838-8401

Please let me know if you need any additional information here.

Thanks in advance and stay safe!

Sincerely,
Brian Noland
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105-1705
Phone: (816)506-1948

From: [LeMaster, William](#)
To: [Brian Noland](#)
Cc: [Fred Wickham](#)
Subject: RE: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST
Date: Monday, February 8, 2021 5:01:00 PM

Thank you for the details. As for the joint employer issue, I am just asking what evidence the Charging Party has to support its allegation under the current joint employer standard as it concerns Essig & Associates and McDonald's USA for this particular location. If you can provide this week, it would be appreciated. Bill

From: Brian Noland <nolandbrian@gmail.com>
Sent: Monday, February 8, 2021 3:49 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Cc: Fred Wickham <fred@wickham-wood.com>
Subject: Re: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Bill:

Thanks for your email and following up. I'm on a deadline today so I apologize in advance if this information is limited. I'm also happy to discuss anything in greater detail by phone at (816)506-1948 if you need more information sooner!

We believe the former franchisee was Webb Van Brunt, Inc.. However, that company was administratively dissolved. At this time, we do not believe Webb Van Brunt, Inc. is the franchisee. The change between Webb and Essig appears to have occurred fairly recently, perhaps within the last two years or so.

Property records, website information, including <https://www.essigmcd.com/>, and other information formed the basis of our naming both Essig & Associates, Inc. and Essig Management Co., PO Box 550, Liberty, MO 64069 on the Charge. I have attached the charge as we filed it and as it was returned to us from the NLRB in case there was confusion as to whom we named as the Employer (I'm adding this attachment mostly because it appeared somewhat awkwardly in the attachment. There was not an option to list a joint employer/two employers on the online NLRB form, so if I need to do something to clean that up please let me know!). Essig appears to be participating in management or operations of several McDonald's locations.

What specifically do you need from us relating to the joint employer piece and when would you like it?

Thanks again (and sorry for the quick reply!).

Sincerely,
Brian Noland

CC: Fred Wickham

On Sun, Feb 7, 2021 at 4:42 PM LeMaster, William <William.LeMaster@nrlrb.gov> wrote:

Fred and Brian –

Brian and I discussed this briefly the other day and I thought I had a grasp of the franchisees at issue in this case. As I read the charge and our participant list, they do not match up. I wonder if it's an error on our part b/c the additional information provided with the charge only lists Essig & Associates and McDonald's USA as joint employers. I understood that Essig & Associates was the franchisee for the 3015 Van Brunt Blvd. location. However, looking at the participant list, it also shows Webb Van Brunt, Inc. as a co-charged party (though not identified on the charge). When I go back to the settlement agreements reached in 14-CA-146940, 150265, and 205358, those cases involved Webb Van Brunt, Inc. only as the franchisee for the address of 3051 Van Brunt Blvd. The Essig & Associates settlement involved a different location. Please clarify the Union's understanding and allegation of the franchisee alleged as a joint employer in this case.

Additionally, does the Union have its argument or a summary of its argument as to how the franchisee(s) and McDonald's USA are joint employers?

Enjoy the Super Bowl gentlemen.

Thanks,

Bill

From: Brian Noland <nolandbrian@gmail.com>
Sent: Saturday, February 6, 2021 2:28 PM
To: LeMaster, William <William.LeMaster@nrlrb.gov>
Cc: Fred Wickham <fred@wickham-wood.com>; Daniel Tucker (b) (6), (b) (7)(C) <daniel.tucker@thefightfor15.org>; (b) (6), (b) (7)(C) <office@wickham-wood.com>
Subject: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Bill, Fred, and Daniel:

Thanks for your time and flexibility yesterday to help get (b) (6), (b) (7)(C) affidavit scheduled for (b) (6), (b) (7)(C) CST.

Fred and Daniel will call Bill. Daniel will have (b) (6), (b) (7)(C) with him when he calls in.

Just in case, here are everyone's phone numbers:

Bill LeMaster: (913)275-6524
Daniel Tucker: (314)598-5450
Fred Wickham: (816)838-8401

Please let me know if you need any additional information here.

Thanks in advance and stay safe!

Sincerely,
Brian Noland
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105-1705
Phone: (816)506-1948

From: [Brian Noland](#)
To: [LeMaster, William](#)
Cc: [Fred Wickham](#)
Subject: Re: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST
Date: Monday, February 8, 2021 4:49:12 PM
Attachments: [DEV.1-2877418741.AdditionalInfoSupportingCharge.pdf](#)
[CHG.1-2877418741.SignedChargeAgainstEmployer_Wiz.pdf](#)

Bill:

Thanks for your email and following up. I'm on a deadline today so I apologize in advance if this information is limited. I'm also happy to discuss anything in greater detail by phone at (816)506-1948 if you need more information sooner!

We believe the former franchisee was Webb Van Brunt, Inc.. However, that company was administratively dissolved. At this time, we do not believe Webb Van Brunt, Inc. is the franchisee. The change between Webb and Essig appears to have occurred fairly recently, perhaps within the last two years or so.

Property records, website information, including <https://www.essigmcd.com/>, and other information formed the basis of our naming both Essig & Associates, Inc. and Essig Management Co., PO Box 550, Liberty, MO 64069 on the Charge. I have attached the charge as we filed it and as it was returned to us from the NLRB in case there was confusion as to whom we named as the Employer (I'm adding this attachment mostly because it appeared somewhat awkwardly in the attachment. There was not an option to list a joint employer/two employers on the online NLRB form, so if I need to do something to clean that up please let me know!). Essig appears to be participating in management or operations of several McDonald's locations.

What specifically do you need from us relating to the joint employer piece and when would you like it?

Thanks again (and sorry for the quick reply!).

Sincerely,
Brian Noland

CC: Fred Wickham

On Sun, Feb 7, 2021 at 4:42 PM LeMaster, William <William.LeMaster@nlrb.gov> wrote:

Fred and Brian –

Brian and I discussed this briefly the other day and I thought I had a grasp of the franchisees at issue in this case. As I read the charge and our participant list, they do not match up. I wonder if it's an error on our part b/c the additional information provided with the charge only lists Essig & Associates and McDonald's USA as joint employers. I understood that Essig & Associates was the franchisee for the 3015 Van Brunt Blvd. location. However, looking at the participant list, it also shows Webb Van Brunt, Inc. as a co-charged party (though not identified on the charge). When I go back to the settlement agreements reached

in 14-CA-146940, 150265, and 205358, those cases involved Webb Van Brunt, Inc. only as the franchisee for the address of 3051 Van Brunt Blvd. The Essig & Associates settlement involved a different location. Please clarify the Union's understanding and allegation of the franchisee alleged as a joint employer in this case.

Additionally, does the Union have its argument or a summary of its argument as to how the franchisee(s) and McDonald's USA are joint employers?

Enjoy the Super Bowl gentlemen.

Thanks,

Bill

From: Brian Noland <nolandbrian@gmail.com>
Sent: Saturday, February 6, 2021 2:28 PM
To: LeMaster, William <William.LeMaster@nrlrb.gov>
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Subject: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Bill, Fred, and Daniel:

Thanks for your time and flexibility yesterday to help get (b) (6), (b) (7)(C) affidavit scheduled for (b) (6), (b) (7)(C) CST.

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Fred Wickham: (816)838-8401

Please let me know if you need any additional information here.

Thanks in advance and stay safe!

Sincerely,
Brian Noland
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105-1705

Phone: (816)506-1948

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Joint Employers: McDonald's USA, 110 N. Carpenter St., Chicago, IL 60607 and Essig & Associates, Inc./Essig Management Co., PO Box 550, Liberty, MO 64069		b. Tel. No. (816) 903-5105
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 3015 Van Brunt Blvd MO Kansas City 64128	e. Employer Representative	g. e-Mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3,1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)Fred Wickham Title:
SEIU National Fast Food Workers Union**4a. Address (Street and number, city, state, and ZIP code)**850 W. Jackson, Ste 275
IL Chicago 606074b. Tel. No.
(816) 753-8751

4c. Cell No.

4d. Fax No.

4e. e-Mail
fred@wickham-wood.com**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)Fred Wickham
Title:
(Print/type name and title or office, if any)Tel. No.
(816) 753-8751

Office, if any, Cell No.

Fax No.

e-Mail
fred@wickham-wood.com107 W. 9th St., 2nd Floor
Address Kansas City MO 641052/1/2021 16:43:51
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	After (b) (6), (b) (7)(C) engaged in protected Union and concerted activities, the joint employers engaged in the following discriminatory and retaliatory adverse actions including but not limited to: denying (b) (6), (b) (7)(C) shifts, sending (b) (6), (b) (7)(C) home early from a shift resulting in the loss of pay, treating (b) (6), (b) (7)(C) in an overtly hostile and disrespectful manner, terminating (b) (6), (b) (7)(C) strictly enforcing rules that were otherwise enforced in a lax manner, and enforcing rules inconsistently and irrationally against employees who have engaged in Union and protected concerted activities.	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to

discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	After (b) (6), (b) (7)(C) engaged in protected Union and concerted activities, the joint employers engaged in the following discriminatory and retaliatory adverse actions including but not limited to: denying (b) (6), (b) (7)(C) shifts, sending (b) (6), (b) (7)(C) home early from a shift resulting in the loss of pay, treating (b) (6), (b) (7)(C) in an overtly hostile and disrespectful manner, terminating (b) (6), (b) (7)(C) strictly enforcing rules that were otherwise enforced in a lax manner, and enforcing rules inconsistently and irrationally against employees who have engaged in Union and protected concerted activities.	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) 2021

8(a)(3)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities or membership.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

8(a)(1)

Within the previous six months, the Employer refused to hire an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee refused hire	Approximate date of refusal to hire
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2021

Additional Information in Support of Charge

Charging Party Name : Fred Wickham

Inquiry Number : 1-2877418741

Date Submitted : 2/1/2021 16:43:51

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

The Joint Employers in this matter are :

(i) Essig & Associates, Inc./Essig Management Co.

PO Box 550, Liberty, MO 64069 OR 3015 Van Brunt Blvd, Kansas City, MO 64128;

(ii) McDonald's USA, 110 N. Carpenter St., Chicago, IL 60607

Within the last six months, the above-named joint employers have demonstrated hostility towards some employees and favoritism towards others, in retaliation for and in an effort to interfere with, restrain, and coerce employees from the further exercise of protected Union activity and other protected concerted activities; and have disciplined and terminated employee (b) (6), (b) (7)(C) in retaliation for their participation in protected Union and protected concerted activities, and in an effort to interfere with, restrain, and coerce such participation by them and their fellow employees, and to discourage membership in a labor organization. On or about (b) (6), (b) (7)(C) 2021, workers engaged in protected concerted activities, including a strike. After (b) (6), (b) (7)(C) engaged in protected Union and concerted activities, the joint employers engaged in the following discriminatory and retaliatory adverse actions including but not limited to: denying (b) (6), (b) (7)(C) shifts, sending (b) (6), (b) (7)(C) home early from a shift resulting in the loss of pay, treating (b) (6), (b) (7)(C) in an overtly hostile and disrespectful manner, terminating (b) (6), (b) (7)(C) strictly enforcing rules that were otherwise enforced in a lax manner, and enforcing rules inconsistently and irrationally against employees who have engaged in Union and protected concerted activities.

From: LeMaster, William
To: (b) (6), (b) (7)(C), (b) (7)(D) Fred Wickham
Subject: (b) (6), (b) (7)(C) affidavit
Date: (b) (6), (b) (7)(C) 2021 5:11:00 PM
Attachments: AFF.14-CA-272091 (b) (6), (b) (7)(C), (b) (7)(D) pdf
image001.png

(b) (6), (b) (7)(C), (b) (7)(D) and Fred –

I have attached (b) (6), (b) (7)(C), (b) (7)(D) affidavit for review, editing, and execution. All edits should be made by (b) (6), (b) (7)(C), (b) (7)(D) on the document. Initial all edits. Initial each page where indicated regardless of edits. Sign/date where indicated and e-file the final product through the Board's website. Please do so no later than (b) (6), (b) (7)(C), 2021.

Call me if you have any questions.

Thanks,

Bill



William F. LeMaster
Field Attorney
National Labor Relations Board
Subregion 17
8600 Farley Street
Suite 100
Overland Park, Kansas 66212
D: (913)275-6524
F: (913)967-3010

Effective immediately, the NLRB is switching to mandatory electronic filing of all case documents. See [GC 20-01](#). Below is information to assist you with this requirement.

Written instructions for using the Agency's E-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's website. See <https://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

Strike Notice to McDonald's

SEIU National Fast Food Workers Union
P.O. Box 5946, Kansas City, MO 64171

To: McDonald's/McDonald's USA, LLC, Joint Employers
Store address:
3051 Van Brunt Blvd.
Kansas City, MO 64128

Dear Joint Employers:

This is to notify you that we are going on a one-day strike beginning on (b) (6), (b) (7)(C) 2021, on what would be (b) (6), (b) (7)(C). Like Dr. King demanded so many years ago, we are demanding a living wage, to be treated fairly and equally regardless of our race and to be provided adequate safety and protection while at work. **We are going on strike to demand a living wage of \$15 an hour, the right to join a union without interference, adequate protection from COVID-19, as well as an end to racism on the job.**

We unconditionally offer to return to work after (b) (6), (b) (7)(C) 2021, for our next regularly scheduled shift. This is a peaceful and lawful one-day strike protected by federal labor law. We expect you to obey federal law and refrain from firing, reducing hours, discriminating, or in any way retaliating against us for standing together to improve our job conditions and safeguard our rights. We are not making a demand for recognition at this time. This company is profitable because of our hard work, yet, our wages are not enough to pay for the basics like food, rent, and utilities, and we cannot trust that our employer will prioritize our health and safety over its bottom line. **This notice and unconditional offer to return to work also applies to other workers who may later decide to strike.**

Print Name:

(b) (6), (b) (7)(C)

Unconditional Offer to Return to Work

SEIU National Fast Food Workers Union
P.O. Box 5946, Kansas City, MO 64171

To: McDonald's/McDonald's USA, LLC, Joint Employers
3051 Van Brunt Blvd.
Kansas City, MO 64128

Dear Joint Employers:

We are unconditionally returning to work after our lawful and peaceful one-day strike, which began on (b) (6), (b) (7)(C), 2021 to demand 1) a \$15 an hour wage and the right to join a union without interference; 2) that you provide adequate protection from COVID-19; and 3) an end to racism on the job. You are prohibited by federal law from firing, discriminating, or retaliating against us for standing together to improve our job conditions and safeguard our rights.

Print Name:

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

Agent's Direct Dial: (913)275-6524

February 19, 2021

Jeffrey M. Place, Attorney
Littler Mendelson P.C.
1201 Walnut Street, Suite 1450
Kansas City, MO 64106-2272

Re: Joint Employers: McDonald's USA, Essig
& Associates, Inc./Essig Management Co.
Case 14-CA-272091

Dear Mr. Place:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before **March 2, 2021**, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows.

Following the union strike that took place on (b) (6), (b) (7)(C) 2021, the Employer changed practices/procedures at its store in response to employees' protected, concerted activity and/or union activity by (1) prohibiting employees from obtaining their paychecks on paydays until later in the day and (2) prohibiting employees from accessing areas behind the counter prior to clocking in, including but not limited to using the crew room to store personal items and eat.

On (b) (6), (b) (7)(C) 2021, the Employer sent (b) (6), (b) (7)(C) home prior to the end of (b) (6), (b) (7)(C) shift because of (b) (6), (b) (7)(C) protected, concerted activity and/or union activity, including but not limited to (b) (6), (b) (7)(C) participation in a union strike on (b) (6), (b) (7)(C) 2021.

On (b) (6), (b) (7)(C) 2021, the Employer discharged (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) protected, concerted activity and/or union activity, including but not limited to participation in a union strike on (b) (6), (b) (7)(C), 2021.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete

cooperation in the investigation of the charge. Please contact me immediately to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The Employer's full response to the allegations set forth above with all relevant supporting documents.
2. The full names and titles of all supervisors and managers employed at the McDonald's located at 3051 Van Brunt, Kansas City, Missouri. Include the full names and titles of all supervisor, managers, and owners associated with this location regardless of the location of their employment.
3. Documents that show, describe, or refer to the reasons the Employer sent (b) (6), (b) (7)(C) home early on (b) (6), (b) (7)(C) 2021.
4. Documents that show, describe, or refer to the reasons the Employer terminated (b) (6), (b) (7)(C) terminated on (b) (6), (b) (7)(C) 2021.
5. Documents that show whether the Employer has treated other employees similarly to (b) (6), (b) (7)(C) for similar conduct.
6. The Employer's discipline procedure/policy in effect on (b) (6), (b) (7)(C) 2021.
7. Documents that show, describe, or refer to all discipline issued to (b) (6), (b) (7)(C) during employment.
8. Documents that show, describe, or refer to whether (b) (6), (b) (7)(C) was in the process of being promoted to (b) (6), (b) (7)(C) at the time of discharge. Include documents and/or details of the status of (b) (6), (b) (7)(C) promotion as of (b) (6), (b) (7)(C) 2021.
9. For the period of January 1, 2021 to the present, documents that show, describe, or refer to Union activity or support at the 3051 Van Brunt location

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **March 2, 2021**. If you are willing to allow me to take affidavits, please contact me immediately to schedule a time to take affidavits. Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted.

Joint Employers: McDonald's USA and
Essig & Associates, Inc./Essig Management
Co.
Case 14-CA-272091

- 3 -

February 19, 2021

Please contact me at your earliest convenience by telephone, (913)275-6524, or e-mail, william.lemaster@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/ William F. LeMaster

WILLIAM F. LEMASTER
Field Attorney

From: [Fred Wickham](#)
To: [LeMaster, William](#)
Subject: Re: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST
Date: Monday, February 15, 2021 12:33:25 PM

Hi Bill,

Here are the notes I have on (b) (6), (b) (7)(C) that hopefully will help with this afternoon's testimony. I did speak with Daniel about holding questions or issues until after (b) (6), (b) (7)(C) testifies so hopefully that won't be an issue today. Also, Brian has contacted the national union to get the union's official position on the joint employer issue. We will let you know as soon as we hear back from them. Here's the notes for (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was at work at (b) (6), (b) (7)(C) was assigned to the (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) took as a form of retaliation from (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) is not very good at working (b) (6), (b) (7)(C) and is almost never put there. At or around (b) (6), (b) (7)(C) was still in (b) (6), (b) (7)(C) were standing by the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told (b) (6), "if any of the strikers are late to work, you have to write them up." (b) (6), (b) (7)(C) said, "Ok." (b) (6), (b) (7)(C) could tell that (b) (6), (b) (7)(C) was mad about the strike because (b) (6), (b) (7)(C) kept saying, "(b) (6), (b) (7)(C) Normally, workers can charge their phones in the break room. But (b) (6), (b) (7)(C) said, (b) (6), (b) (7)(C) Normally (b) (6), (b) (7)(C) would be assigned to (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) is good at (b) (6), (b) (7)(C), but on (b) (6), (b) (7)(C) was assigned to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was written up for being late to work, but (b) (6), (b) (7)(C) used to be late before the strike and wouldn't be written up. The topic came up because of (b) (6), (b) (7)(C) who was supposed to be at work a (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) was late. So (b) (6), (b) (7)(C) said to (b) (6), "if any of the people who went on strike are late for work you gotta write them up."

(b) (6), (b) (7)(C) has also experienced a loss of hours since the strike and as a result (b) (6), (b) (7)(C) has gotten a second job at (b) (6), (b) (7)(C) in an attempt to make up for (b) (6), (b) (7)(C) lost hours.

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) to return to work after the strike and had (b) (6), (b) (7)(C) walkback with allies. (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) at the side door and let (b) (6), (b) (7)(C) in. (b) (6), (b) (7)(C) observed that (b) (6), (b) (7)(C) had an attitude with the allies and interrupted them and closed the door on them after (b) (6), (b) (7)(C) snatched a piece of paper out of Daniel Tucker's hand. The paper was a letter of support and a request that McDonald's follow the law and not violate workers' federal rights to organize from Mayor Quinton Lucas. Also present at the walkback were (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and Gina Chiala an attorney with the Heartland Center for Jobs and Freedom.

Fred Wickham

Wickham & Wood, LLC
107 W. 9th St.
2nd Floor
Kansas City, MO 64105-1705
Phone: 816-753-8751
Fax: 816-423-2501

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On Sunday, February 14, 2021, 11:11:08 AM CST, LeMaster, William <william.lemaster@nlrb.gov> wrote:

Gentlemen – I am still waiting on the Union’s evidence in support of its joint employer assertion under the Board’s current standard. See 29 C.F.R. § 103.40. Please advise. Bill

From: LeMaster, William
Sent: Monday, February 8, 2021 4:01 PM
To: Brian Noland <nolandbrian@gmail.com>
Cc: Fred Wickham <fred@wickham-wood.com>
Subject: RE: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Thank you for the details. As for the joint employer issue, I am just asking what evidence the Charging Party has to support its allegation under the current joint employer standard as it concerns Essig & Associates and McDonald’s USA for this particular location. If you can provide this week, it would be appreciated. Bill

From: Brian Noland <nolandbrian@gmail.com>
Sent: Monday, February 8, 2021 3:49 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Cc: Fred Wickham <fred@wickham-wood.com>
Subject: Re: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Bill:

Thanks for your email and following up. I'm on a deadline today so I apologize in advance if this information is limited. I'm also happy to discuss anything in greater detail by phone at (816)506-1948 if you need more information sooner!

We believe the former franchisee was Webb Van Brunt, Inc.. However, that company was administratively dissolved. At this time, we do not believe Webb Van Brunt, Inc. is the franchisee. The change between Webb and Essig appears to have occurred fairly recently, perhaps within the last two years or so.

Property records, website information, including <https://www.essigmcd.com/>, and other information formed the basis of our naming both Essig & Associates, Inc. and Essig Management Co., PO Box 550, Liberty, MO 64069 on the Charge. I have attached the charge as we filed it and as it was returned to us from the NLRB in case there was confusion as to whom we named as the Employer (I'm adding this attachment mostly because it appeared somewhat awkwardly in the attachment. There was not an option to list a joint employer/two employers on the online NLRB form, so if I need to do something to clean that up please let me know!). Essig appears to be participating in management or operations of several McDonald's locations.

What specifically do you need from us relating to the joint employer piece and when would you like it?

Thanks again (and sorry for the quick reply!).

Sincerely,

Brian Noland

CC: Fred Wickham

On Sun, Feb 7, 2021 at 4:42 PM LeMaster, William <William.LeMaster@nlrb.gov> wrote:

Fred and Brian –

Brian and I discussed this briefly the other day and I thought I had a grasp of the franchisees at issue in this case. As I read the charge and our participant list, they do not match up. I wonder if it's an error on our part b/c the additional information provided with the charge only lists Essig & Associates and McDonald's USA as joint employers. I understood that Essig & Associates was the franchisee for the 3015 Van Brunt Blvd. location. However, looking at the participant list, it also shows Webb Van Brunt, Inc. as a co-charged party (though not identified on the charge). When I go back to the settlement agreements reached in 14-CA-146940, 150265, and 205358, those cases involved Webb Van Brunt, Inc. only as the franchisee for the address of **3051** Van Brunt Blvd. The Essig & Associates settlement involved a different location. Please clarify the Union's understanding and allegation of the

franchisee alleged as a joint employer in this case.

Additionally, does the Union have its argument or a summary of its argument as to how the franchisee(s) and McDonald's USA are joint employers?

Enjoy the Super Bowl gentlemen.

Thanks,

Bill

From: Brian Noland <nolandbrian@gmail.com>
Sent: Saturday, February 6, 2021 2:28 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Cc: Fred Wickham <fred@wickham-wood.com>; Daniel Tucker (b) (6), (b) (7)(C) <daniel.tucker@thefightfor15.org>; (b) (6), (b) (7)(C) <office@wickham-wood.com>
Subject: McDonald's Van Brunt, Witness Affidavit, (b) (6), (b) (7)(C) CST

Bill, Fred, and Daniel:

Thanks for your time and flexibility yesterday to help get (b) (6), (b) (7)(C) affidavit scheduled for (b) (6), (b) (7)(C) CST.

Fred and Daniel will call Bill. Daniel will have (b) (6), (b) (7)(C) with him when he calls in.

Just in case, here are everyone's phone numbers:

Bill LeMaster: (913)275-6524

Daniel Tucker: (314)598-5450

Fred Wickham: (816)838-8401

Please let me know if you need any additional information here.

Thanks in advance and stay safe!

Sincerely,
Brian Noland
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105-1705

Phone: (816)506-1948

From: [LeMaster, William](#)
To: [Fred Wickham](#)
Subject: RE: Affidavits
Date: Wednesday, February 17, 2021 7:48:00 PM

Waiting over two weeks to present witnesses in support of the charge is a problem. I recommend the Union consider filing a new charge for all allegations that do not pertain to (b) (6), (b) (7)(C). Additionally, I am out of the office on Friday with an out of town funeral. Please contact me in the morning to discuss.

From: Fred Wickham <fred@wickham-wood.com>
Sent: Wednesday, February 17, 2021 5:07 PM
To: LeMaster, William <William.LeMaster@nrlb.gov>
Subject: Re: Affidavits

Hi Bill,

Thanks for your patience this afternoon. The union has a few more witnesses they would like to present. Could you let me know your availability?

Thanks

Fred Wickham

Wickham & Wood, LLC
107 W. 9th St.
2nd Floor
Kansas City, MO 64105-1705
Phone: 816-753-8751
Fax: 816-423-2501

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On Wednesday, February 17, 2021, 02:21:56 PM CST, LeMaster, William <william.lemaster@nrlb.gov> wrote:

Daniel has been calling me and then conferencing you in.

From: Fred Wickham <fred@wickham-wood.com>
Sent: Wednesday, February 17, 2021 2:21 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Subject: Re: Affidavits

He texted us that he was running late. I'm just waiting. Maybe he had the wrong number for you.

Fred Wickham

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On Wednesday, February 17, 2021, 02:12:32 PM CST, LeMaster, William <william.lemaster@nlrb.gov>

wrote:

What's the word, Fred?

From: Fred Wickham <fred@wickham-wood.com>
Sent: Wednesday, February 17, 2021 12:21 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Subject: Re: Affidavits

Hi Bill,

I just got this info on (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
McDonald's Worker
3051 Van Brunt Blvd. KCMO 64128

Post-Strike // (b) (6), (b) (7)(C), **2021**

(b) (6), (b) (7)(C) ago, shortly after workers in Kansas City went on strike-- (b) (6), (b) (7)(C), was dropped off early by (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) shift. Typically, on the days that (b) (6), (b) (7)(C) goes into work (b) (6), (b) (7) -- (b) (6) drops (b) (6), (b) (7)(C) off at (b) (6), (b) (7)(C) at the McDonald's and (b) (6), (b) (7)(C) sits in the lobby until it's time for (b) (6), (b) (7)(C) to clock in. (b) (6), (b) (7)(C) reports that this has never been a problem in the past with (b) (6), (b) (7)(C), and that (b) (6), (b) (7)(C) has been aware of this since before the strike because (b) (6), (b) (7)(C) has been at the door to receive (b) (6), (b) (7)(C) on the days (b) (6), (b) (7)(C) comes in early. This particular day that (b) (6), (b) (7)(C) was dropped off early (post-strike) (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) at the door and asked, "Are you on the schedule today?" (b) (6), (b) (7)(C) answered yes and (b) (6), (b) (7)(C) went over to look at the schedule. (b) (6), (b) (7)(C) then told (b) (6), (b) (7)(C), "You can't be here this early and moving forward you can't come to work this early." (b) (6), (b) (7)(C) said "ok" and went to sit in the lobby until (b) (6), (b) (7)(C) shift began. (b) (6), (b) (7)(C) recalls feeling like this was a red flag in (b) (6), (b) (7)(C) behavior-- due to the fact that (b) (6), (b) (7)(C) knows (b) (6), (b) (7)(C) transportation situation requires (b) (6), (b) (7)(C) to come to work early on some days. Now (b) (6), (b) (7)(C) has been stressed trying to find other rides to work to get there on time for (b) (6), (b) (7)(C) shift on the days (b) (6), (b) (7)(C) has had (b) (6), (b) (7)(C) take (b) (6), (b) (7)(C) to work, but it's been an inconvenience some days. (b) (6), (b) (7)(C) reports (b) (6), (b) (7)(C) was also sent home from a shift a few days following the strike because (b) (6), (b) (7)(C) was caught on camera texting someone, who (b) (6), (b) (7)(C) said was (b) (6), (b) (7)(C) and other workers have confirmed with (b) (6), (b) (7)(C), that (b) (6), (b) (7)(C) has been watching the cameras closely when (b) (6), (b) (7)(C) not at work-- and calling/texting managers about every little mishap that occurs on shifts. (b) (6), (b) (7)(C) feels that (b) (6), (b) (7)(C) has been specifically picking on (b) (6), (b) (7)(C) and other workers have repeated the same sentiment to (b) (6), (b) (7)(C) in conversation. (b) (6), (b) (7)(C) has also noticed the ways other workers at McDonald's have been treated unfairly since the strike and has seen a change in (b) (6), (b) (7)(C) behavior specifically towards the workers who exercised their right in striking.

(b) (6), (b) (7)(C) has also experienced a loss of hours since the strike.

Thanks,

Fred Wickham

Wickham & Wood, LLC
107 W. 9th St.

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Kansas City, MO 64105-1705
Phone: 816-753-8751
Fax: 816-423-2501

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On Tuesday, February 16, 2021, 08:41:34 PM CST, LeMaster, William <william.lemaster@nlrb.gov> wrote:

I am available.

From: Fred Wickham <fred@wickham-wood.com>

Sent: Tuesday, February 16, 2021 7:04 PM
To: LeMaster, William <William.LeMaster@nlrb.gov>
Subject: Affidavits

Hi Bill,

I just got notice that (b) (6), (b) (7)(C) is available (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), assuming you're still available for affidavits. I'm waiting to get more info on (b) (6), (b) (7)(C) and will forward it to you when I get it.

Thanks

Fred Wickham

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Kansas City, MO 64105-1705
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Fax: 816-423-2501

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From: LeMaster, William
To: (b) (6), (b) (7)(C); Fred Wickham
Subject: (b) (6), (b) (7) affidavit in 14-CA-272091
Date: (b) (6), (b) (7)(C) 2021 11:22:00 AM
Attachments: [AFF.14-CA-272091 \(b\) \(6\), \(b\) \(7\)\(C\), \(b\) \(7\)\(D\).pdf](#)
[image001.png](#)

(b) (6) and Fred –

I have attached (b) (6), (b) (7)(C), (b) (7)(D) affidavit for review, editing, and execution. All edits should be made by (b) (6), (b) (7)(C) on the document. Initial all edits. Initial each page where indicated regardless of edits. Sign/date where indicated and e-file the final product through the Board's website. Please do so no later than (b) (6), (b) (7)(C) 2021.

Call me if you have any questions.

Thanks,

Bill



William F. LeMaster
Field Attorney
National Labor Relations Board
Subregion 17
8600 Farley Street
Suite 100
Overland Park, Kansas 66212
D: (913)275-6524
F: (913)967-3010

Effective immediately, the NLRB is switching to mandatory electronic filing of all case documents. See [GC 20-01](#). Below is information to assist you with this requirement.

Written instructions for using the Agency's E-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's website. See <https://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>

The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

From: [LeMaster, William](#)
To: (b) (6), (b) (7)(C), (b) (7)(D); [Fred Wickham](#)
Subject: (b) (6), (b) (7)(C) affidavit in 14-CA-272091
Date: (b) (6), (b) (7)(C) 2021 9:55:00 AM
Attachments: [image001.png](#)
[AFF.14-CA-272091 \(b\) \(6\), \(b\) \(7\)\(C\), \(b\) \(7\)\(D\).pdf](#)

(b) (6), (b) (7)(C), (b) (7)(D) and Fred –

I have attached (b) (6), (b) (7)(C), (b) (7)(D) affidavit for review, editing, and execution. All edits should be made by (b) (6), (b) (7)(C) on the document. Initial all edits. Initial each page where indicated regardless of edits. Sign/date where indicated and e-file the final product through the Board's website. Please do so no later than (b) (6), (b) (7)(C) 2021.

Call me if you have any questions.

Thanks,

Bill



William F. LeMaster
Field Attorney
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The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

From: [Fred Wickham](#)
To: [LeMaster, William](#)
Subject: Additional info.
Date: Friday, February 19, 2021 1:41:05 PM
Attachments: [image001.png](#)

Bill-

We're still trying to get the date (b) (6), (b) (7)(C) was sent home. As for the lobby issue, there is a big difference between workers having to wait, in uniform, in the lobby versus the privacy of a break room. The break room provides a comfortable space outside of the public eye for workers to prepare for their shift, talk with other co-workers, charge their phones, look at their schedules, check on their children via cell phone and engage in any number of other pre-work activities. An employee in uniform in the lobby has no privacy and customers often assume the employee is on duty if they are in the lobby. I hope this helps-let me know if you need more information on this issue. I'll send you our best information on the phone call date as soon as I get it.

Thanks

Fred Wickham

Wickham & Wood, LLC
107 W. 9th St.
2nd Floor
Kansas City, MO 64105-1705
Phone: 816-753-8751
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On Friday, February 19, 2021, 08:24:19 AM CST, LeMaster, William <william.lemaster@nlrb.gov> wrote:

Fred –

In addition to getting me the date that (b) (6), (b) (7)(C) was sent home early for texting (for the soon to be filed new charge), please get me an explanation of how employees being prevented from going to the break room is a detriment other than their inability to hang up their coats and put away belongings before their shifts start. Please get me the latter as soon as possible.

Thanks,

Bill



William F. LeMaster

Field Attorney

National Labor Relations Board

Subregion 17

8600 Farley Street

Suite 100

Overland Park, Kansas 66212

D: (913)275-6524

F: (913)967-3010

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The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html

For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocument/FAQ>

From: [Fred Wickham](#)
To: [LeMaster, William](#)
Subject: Withdrawal of charge in Case No. 14-CA-272091 (Essig & Associates)
Date: Wednesday, February 24, 2021 10:26:26 AM

Dear Mr. LeMaster,

Please know by this correspondence that the Union wishes to voluntarily withdraw without prejudice the charges in Case. No. 14-CA-272091.

Sincerely,

Fred Wickham

Wickham & Wood, LLC
107 W. 9th St.
2nd Floor
Kansas City, MO 64105-1705
Phone: 816-753-8751
Fax: 816-423-2501

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Case Name: Joint Employers: McDonald's USA, and Essig & Associates, Inc./Essig Management Co.
Case No.: 14-CA-272091
Agent: Field Attorney WILLIAM LEMASTER

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
2-2-21	Wickham	Phone	PC to Wickham. No answer and voicemail was full. Fred called me after getting my email. He's in arbitration the next two days but Brian Noland will call me with details.
2-3-21	Brian Noland	Phone	PC from Noland. Discussed the case. The (b) (5), (b) (6), (b) (7)(C) Noland will check with organizer Daniel Tucker about (b) (6), (b) (7)(C) availability (b) (6), (b) (7)(C)
2-5-21	Noland	Phone	PC from Noland. He has left messages for his client but has been unable to hear back from anyone. He asked for a gameplan. I told him to keep efforting (b) (5), (b) (6), (b) (7)(C) I told him to email me if he gets a commitment. (b) (5) He called back. (b) (5), (b) (6), (b) (7)(C) nion rep Daniel Tucker will call me (b) (6), (b) (7)(C) Fred will be on as well.
2-11-21	Wickham	Phone	PC to Fred. (b) (5), (b) (6), (b) (7)(C) I asked that he talk to Daniel Tucker about not interrupting during affidavits, to wait until the end to bring up anything he thinks would be relevant. Fred will

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			also email me what each witness will address.
2/22/21	Place	Phone	PC to Place. We discussed the case in detail. I will follow up with additional information tomorrow.
2/23/21	Wickham	Phone	PC to Wickham. (b) (5) [REDACTED] [REDACTED] we agreed that it made the most sense for both parties to withdraw the charge and refile when the Union was ready to present all of its evidence together. (b) (5), (b) (6), (b) (7)(C) [REDACTED] [REDACTED] I told Wickham I would let Place know what was going on.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

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February 24, 2021

Jonathan M. Linas, ESQ., Partner
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1692

Justin D. Martin, Attorney
Jones Day
250 Vesey Street
New York, NY 10281-1052

Jeffrey M. Place, Attorney
Littler Mendelson P.C.
1201 Walnut Street, Suite 1450
Kansas City, MO 64106-2272

Re: Joint Employers: McDonald's USA, Webb
Van Brunt, Inc. a McDonald's Franchisee
and Essig & Associates, Inc./Essig
Management Co.
Case 14-CA-272091

Dear Mr. Linas, Mr. Martin, and Mr. Place:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "WBC", is written over a horizontal line.

WILLIAM B. COWEN
Acting Regional Director

WBC:rmf

cc: McDonald's USA
110 N. Carpenter Street
Chicago, IL 60607

Webb Van Brunt, Inc. a McDonald's
Franchisee, and McDonald's USA, LLC,
Joint Employers
3051 Van Brunt Blvd
Kansas City, MO 64128-1877

Joint Employers: McDonald's USA, Webb - 2 -
Van Brunt, Inc. a McDonald's Franchisee
and Essig & Associates, Inc./Essig
Management Co.
Case 14-CA-272091

February 24, 2021

Fred Wickham
SEIU National Fast Food Workers Union
850 W. Jackson, Ste 275
Chicago, IL 60607

Fred Wickham
Wickham & Wood, LLC
107 W. 9th St., 2nd Floor
Kansas City, MO 64105

Essig & Associates, Inc./ Essig
Management Co.
PO Box 550
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